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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,996	03/08/2001	Masahiro Hinami	01-201	5891

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EXAMINER

SHAH, MILAP

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/801,996	Applicant(s) HINAMI, MASAHIRO	
	Examiner Milap Shah	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 7, 8, & 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita (U.S. Patent No. 6,231,440).

Claims 1, 4, 7, 8, & 11-13: Yamashita generally teaches a game system in which two fighting characters may battle in terms of short-range means or long-range means depending on the distance determined, by the computer, between the two characters. Specifically Yamashita discloses the weapons of the fighting characters in the virtual space of the game are switched during the fight, according to whether the distance L between the challenger C1 and the enemy C2 is a short distance, a mid-distance, or a long distance. As an example, Yamashita discloses that when the distance L between the two fighting characters is a short distance within the distance L1, the characters fight using their bodies. When the distance L is a long distance greater than both the short and mid-distances, the characters fight using bazookas, which is considered a long-range means (figure 4 and column 7, lines 47-67). For such an operation to properly work, there must be inherent processes within the computing to carry out the generation of images representing the short range and long range means. Therefore, the Examiner submits the following are inherent within Yamashita:

Yamashita must inherently (i.e. necessarily present) include a first generator having a first controller (figure 3[CPU 101]) for generating and controlling data representing a normal state, wherein the

normal state imaging appears to be the imaging in which the two characters are simply displayed in a state in which they are “about to battle”. Yamashita must also inherently include a second generator and second controller (figure 3[CPU 101]) for generating and controlling data presenting the combat state, wherein the combat state imaging appears to be the imaging in which the two characters are actually fighting. The second controller that generates the combat state is considered to generate such a state in real-time (i.e. as the players are playing the game), where the fighting game of Yamashita does not appear to be a turn-based game, thus would not have any turn-based generation of image data and only real-time generation of image data during play of the game. Yamashita also inherently includes a plurality of areas in the normal state image, such that the two characters C1 and C2 positioned in figure 4 may be considered to be positioned in one of the areas or two of the areas, as each of the plurality of areas does not appear to have any bounds and it appears that the limitation may even be broadly interpreted as each pixel within the imaging is one of the plurality of areas. In the situation that characters C1 and C2 of figure 4 are in two different areas that are not adjacent (depending on interpretation), Yamashita must also inherently include the “selector” for selecting the combat state imaging since it should have been determined that the two characters C1 and C2 are not in adjacent areas and thus require a combat state image to battle in long-range means. Therefore, the Examiner submits that the various components must be included within the gaming system of Yamashita for the disclosure of the selection of short range versus long range means to operate properly. Yamashita also discloses the map comprises a matrix form having a plurality of geographic features that exert an influence upon the movement and result of combat between the at least one player's element and the at least one opponent's element (column 4, lines 15-18).

Yamashita discloses fixed objects that are given position coordinates within the virtual world, such that fixed objects such as a "tree" during a combat is both an obstacle that influences the movement of the characters and a geographic feature that exerts an influence on the combat result between the

characters; for example, the tree can be used to hide behind, such that an attack by a bazooka may fail if the character being attacked moves behind the tree. Similarly, other fixed objects influence both movement and resultant combat in similar ways. The Applicant's discussion of "geographic features" in the specification appears to be commensurate with this interpretation. Further, Yamashita discloses a ski game having obstacles that the player must move around or the player would fall or get hit by the obstacle. While, the ski game is not relied upon herein, the same concept can be seen from fixed objects within the combat game. Regarding claims 7 and 8, the method and computer-readable medium claims mirroring the limitations of claim 1 would also be anticipated by Yamashita for at least the reason that given the method of determining a short range or long range means and preparing imaging based on the determination is disclosed by Yamashita as discussed above. And, where the computer-readable medium claims would be anticipated since all of the above is based on a "computer" performing said method, which requires an equivalent computer program. Regarding claim 4, distance detection and imaging based upon the distance detected is discussed above.

Claim 2: In Yamashita the pre-set conditions are L1, L2, & L3, which are the various distance levels determined to select which imaging and which fighting means (i.e. short-range or long-range) are carried out by the characters, thus, Yamashita discloses operation data including an instruction that the desired one of the at least one player's element should fight against a desired one of the at least one opponent's element, such that when character C1 approaches character C2 (may be considered an instruction for the desire to engage in a battle) and comes within the distance L1, the characters begin a short-range means battle using their bodies only (figure 4 and column 7, lines 47-67).

Response to Arguments

Applicant's arguments filed April 10, 2008 have been fully considered but they are not persuasive.

The Applicant argues that Yamashita fails to teach, either explicitly or inherently, two distinct limitations including (a) displaying a normal image at normal state and a combat image at combat state and switching the display image between these based on the current state being a normal state or a combat state; and (b) displaying a combat image in short-range when the areas of the player's elements are adjacently positioned, and displaying a combat image in long-range when areas of a player's element and an opponent's element are not adjacently positioned. The Examiner respectfully disagrees. The Applicant agrees that Yamashita discloses changing weapons according to the distance between characters. In changing weapons from short-range means (i.e. using their bodies to fight) or long-range means (i.e. using bazookas to fight), a displayed image of such animated characters with their weapons must also change. Thus, the Examiner's position is that when switching from a short-range means to a long-range means, the displayed image would need to change from the character simply using his fists to fight to an image including bazookas displayed on the screen, at which time the short-range image is considered to be switched to a long-range image. The Examiner's interpretation is considered to be reasonable given the broad nature of the language used in the claims. Similarly, the change in the displayed image from an "about to battle" normal image to an "in battle" combat image is disclosed by Yamashita as discussed in the rejection above. The switching of the display is considered to be done instantaneously with the changes in the game (i.e. the player's moving from the about "to battle state" to the "battle" state, where within the "battle" or combat state, the characters are displayed in one of a short-range image or long-range image based on the distance between the players and the respective weapons used at that distance). The Applicant also asserted that the Examiner's reasoning "is not convincing and lacks a proper basis". In response, the Examiner respectfully submits that upon a careful review the claimed invention, the applied rejection, and Yamashita, the Applicant may better understand the Examiner's position. The usage of the "image" language and "state" language are considered to be merely "what's on the screen right now?" and "what status of game play created that image?", respectively. In such an interpretation, the normal image in a normal state is clearly changed to a combat image in a combat state

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when the characters begin battling, and similarly, within the combat state, there are two states of combat, short-range means or long-range means, where the displayed image thereof is respective to the means chosen for battle (which appears changeable in real-time, that is, the characters can get closer together to battle in short-range means or further apart to battle in long-range means during a battle).

The Applicant's second argument is directed to the newly added language in which the Applicant adds "wherein the map comprises a matrix form having a plurality of geographic features that exert an influence upon a result of combat between the at least one player's element and the at least one opponent's element" (claim 1). The Applicant discusses Yamashita in view of this added limitation and asserts that there is a distinction between avoiding obstacles placed in the path of a player's element and a geographical feature influencing the movements of both a player's and opponent's elements. The Examiner respectfully disagrees. In a broad reasonable interpretation, a tree standing in the middle of the combat map is both an obstacle and a geographic feature that influences the movement and combat result between the player and the opponent. For example, if the player is firing a bazooka at the opponent, but the opponent steps behind the tree (i.e. a fixed object of the map), then the tree has exerted an influence on both the movement and resulting combat between the player's element and opponent's element. Yamashita discloses "fixed objects and the like" in the background (i.e. the map image which is similar to the scene or venue at which characters battle), such that the fixed objects are also given position co-ordinates within the virtual world, thus, such objects are essentially fixed "geographic features" that are able to exert an influence upon the movement of the characters and a resultant combat between the characters as described above. It should be noted, that the Examiner is required to use the broadest reasonable interpretation in view of broad language in claims. For at least these reasons, the newly added language is considered to be disclosed by Yamashita. Lastly, with respect to the map comprising a matrix form, both pixels of the screen's resolution and the world co-ordinate system used by Yamashita appear to cut up the map image into a matrix form with a "plurality of areas".

For at least these reasons, claims 1, 2, 4, 7, 8, & 11-13 are rejected in view of Yamashita. Newly added language is added and new claims are also rejected above on the same grounds.

Lastly, the Examiner suggests the Applicant thoroughly review the originally filed specification and determine what explicit subject matter is sought after for patentability, then explicitly claim such in additional detail. It is submitted that the current and past forms of the claims are both broad and vague. The references to an "image" and a "state" are vague as to specifically what is patentable in these images or states. The majority of fighting or battle games will encompass forms of images and game states as described in these claims. There appears to be many limitations of subject matter that is clearly well known in the art. Thus, if the Applicant believes a telephone discussion would benefit the instant application, the Applicant is invited to telephone the Examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/MBS/